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TC 3600

Edward Le Roy Swindell  
P.O. Box 36  
Millbrook, N.Y. 12545

In re Application of: :  
Edward Le Roy Swindell :  
Serial No. 09/922,304 :  
Filed: January 22, 2002 :  
For: ALL ELECTRIC MOTOR VEHICLE :

**DECISION ON PETITION  
TO MAKE SPECIAL  
(ENERGY/ENVIRONMENT)**

This is a decision on the petition filed March 27, 2002 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or in the alternative, Section VI: Energy. The delay in deciding this petition is regretted.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by statements by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements by applicant or his attorney


The petition states that the present invention deals directly with alleviating the nation's overwhelming dependence and reliance upon fossil fuels for powering automobiles and other vehicles of transport and that the adoption of the invention will lower the consumption of fossil fuels and reduce harmful emissions into the atmosphere. These statements are inadequate to establish for the record that the invention "materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life sustaining natural elements" (i.e. air, water, soil). Applicant has not provided an explanation as to how the invention contributes to the restoration or maintenance of the basic life sustaining natural elements. Furthermore, the savings in energy/environment need to be made with respect to other electric vehicles, otherwise all electric vehicles would qualify for special status and that is not the intent of the rules.

For the above stated reasons, the petition is **DISMISSED**.

Petitioner is given one more opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

**SUMMARY:** Petition to Make Special **DISMISSED**.

  
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Kenneth J. Dorner  
Special Programs Examiner  
Technology Center 3600  
(703) 308-0866

KJD/cps 3/11/04